



# Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

06/09/2014

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment  
DLCD File Number 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, June 27, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sam Litke, City of Keizer  
Gordon Howard, DLCD Urban Planning Specialist  
Angela Lazarean, DLCD Regional Representative

<paa> Y

DLCD FORM 2



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

<b>FOR DLCD USE</b>	003-13
File No.:	( 20143 ) [ 17895 ]
Received:	6/6/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of keizer

Local file no.: **2013-15**

Date of adoption: 6-2-14      Date sent: 6/6/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

 Yes: Date (use the date of last revision if a revised Form 1 was submitted): 12-6-13 NoIs the adopted change different from what was described in the Notice of Proposed Change?  Yes  No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Sam Litke, Senior Planner

Phone: 503-856-3442 E-mail: litkes@keizer.org

Street address: 930 Chemawa Road City: Keizer Zip: 97307-

### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

#### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from      to      .      acres.  A goal exception was required for this change.Change from      to      .      acres.  A goal exception was required for this change.Change from      to      .      acres.  A goal exception was required for this change.Change from      to      .      acres.  A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):      .

 The subject property is entirely within an urban growth boundary The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

To permit Cottage Cluster Developments (new Sect 2.432) within residential zones (RS, Section 2.102; RM, Sect 2.104; RL, Sect 2.103; RH, Sect 2.105; and, MU, Sect 2.107) subject to meeting certain standards and conditions, and amend Sect 3.101 Summary of Application Types) and 3.202 (General Procedures) and include a definition in Section 1.200 (Definitions).

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

---

---

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

# NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

---

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist  
Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us) with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at [http://www.oregon.gov/LCD/Pages/papa\\_submittal.aspx](http://www.oregon.gov/LCD/Pages/papa_submittal.aspx).

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

---

**If you have any questions** or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

## **Notice checklist. Include all that apply:**

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
  - A map showing the area changed and applicable designations, and
  - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

1 BILL NO. 669

A BILL

ORDINANCE NO.  
2014- 690

2  
3 FOR

4  
5 AN ORDINANCE

6  
7 AMENDING KEIZER DEVELOPMENT CODE REGARDING  
8 SECTION 1.200 (DEFINITIONS), SECTION 2.102 (SINGLE  
9 FAMILY RESIDENTIAL), SECTION 2.103 (LIMITED  
10 DENSITY RESIDENTIAL), SECTION 2.104 (MEDIUM  
11 DENSITY RESIDENTIAL), SECTION 2.105 (HIGH DENSITY  
12 RESIDENTIAL), SECTION 2.107 (MIXED USE), SECTION  
13 2.432 (COTTAGE CLUSTER DEVELOPMENT), SECTION  
14 3.101 (SUMMARY OF APPLICATION TYPES), AND  
15 SECTION 3.202 (GENERAL PROCEDURES – TYPES I, II,  
16 AND III ACTIONS); AMENDING ORDINANCE 98-389

17  
18 WHEREAS, the Keizer Planning Commission has recommended to the Keizer  
19 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

20 WHEREAS, the City Council has held a hearing on this matter and considered the  
21 testimony given and the recommendation of the Keizer Planning Commission; and

22 WHEREAS, the Keizer City Council has determined that it is necessary and  
23 appropriate to amend the Keizer Development Code as set forth herein; and

24 WHEREAS, the Keizer City Council has determined that such amendments meet  
25 the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer  
26 Development Code;

27 NOW, THEREFORE,

28 The City of Keizer ordains as follows:

1           Section 1.    FINDINGS. The City of Keizer adopts the Findings set forth in  
2 Exhibit "A" attached hereto and by this reference incorporated herein.

3           Section 2.    AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The  
4 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption  
5 of the changes to Section 1.200 (Definitions), Section 2.102 (Single Family Residential),  
6 Section 2.103 (Limited Density Residential), Section 2.104 (Medium Density  
7 Residential), Section 2.105 (High Density Residential), Section 2.107 (Mixed Use),  
8 Section 2.432 (Cottage Cluster Development), Section 3.101 (Summary of Application  
9 Types), and Section 3.202 (General Procedures – Types I, II, AND III Actions) as set  
10 forth in Exhibit "B" attached hereto, and by this reference incorporated herein.

11           Section 3.    SEVERABILITY. If any section, subsection, sentence, clause,  
12 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or  
13 is denied acknowledgment by any court or board of competent jurisdiction, including,  
14 but not limited to the Land Use Board of Appeals, the Land Conservation and  
15 Development Commission and the Department of Land Conservation and Development,  
16 then such portion shall be deemed a separate, distinct, and independent provision and  
17 such holding shall not affect the validity of the remaining portions hereof.

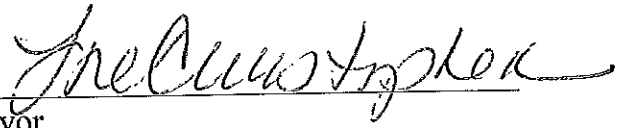
18  
19  
20

1 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days  
2 after its passage.

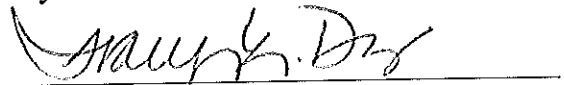
3 PASSED this 2nd day of June, 2014.

4  
5 SIGNED this 2nd day of June, 2014.

6  
7  
8  
9  
10  
11  
12

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

City Recorder

## EXHIBIT "A"

**Findings regarding the adoption of amendments to Section 3.101 (Summary of Application Types); 3.202 (General Procedures); Section 1.200 (Definitions); Section 2.102 (Residential Single Family); Section 2.103 (Limited Density Residential); Section 2.104 (Medium Density Residential); Section 2.105 (High Density Residential); Section 2.107 (Mixed Use); and a new Section 2.432 (Cottage Cluster Development) in the Keizer Development Code .**

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
  - a. The particulars of this case are found within planning file Text Amendment 2013-15. Public hearings were held before the Planning Commission on January 8, 2014 and also on February 12, 2014, and before the City Council on March 3, 2014. The Planning Commission reviewed the proposed revisions and voted unanimously to recommend that it be adopted. The City Council voted to direct staff to prepare findings and an ordinance to adopt the proposed text amendment.
  - b. The proposed text amendments will permit cottage cluster developments (new Sect 2.432) within RS zone (Section 2.102); RM zone (Section 2.104); RL zone (Section 2.103); RH zone (Section 2.105); and, MU zone (Section 2.107) subject to meeting certain standards and conditions. Also, Section 3.101 (Summary of Application Types) and 3.202 (General Procedures) will be amended and a definition added in Section 1.200 (Definitions).
  - c. The proposal was a recommendation from the consultant involved in the development of the Housing Needs Analysis. The intent is to provide additional housing options within the city to meet the needs of future residents.
2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.
3. Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -



**Findings:** The proposed revisions to the zone code reflect a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The revisions to revise these sections of the Keizer Development Code are intended to provide additional housing options within the city to meet the needs of future residents. The demonstrated need is related to providing clarity related to this new housing type to the zone code. As such, the proposed code revision complies with this review criterion.

4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

**FINDINGS:** The proposed text amendment complies with the statewide land use planning goals as discussed below.

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the Planning Commission and the City Council. Public hearings were held before the Planning Commission on January 8, 2014 and also on February 12, 2014, and before the City Council on March 3, 2014. Citizens were afforded the opportunity to participate in the public process. Finally, the Planning Commission and City Council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this proposed planning process as is required by this goal and with implementing administrative rules within Oregon Administrative Rules.

**Goal 2 – Land Use Planning:** This ordinance amends the Keizer Development Code. The city has an adopted comprehensive plan which has been acknowledged by the state. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times in accordance with public notice requirements within the Keizer Development Code. The public hearings conducted before both the planning commission and city council provided an opportunity for both verbal and written testimony. No public testimony was received at either the planning commission or at the city council's public hearing. Therefore, the proposed revisions to the zone code are consistent with this statewide planning goal and administrative rules.

**Goal 3 – Farm Land:** The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits the Exclusive Farm Use (EFU), Special Agriculture (SA), Urban Transition (UT), and Public (P) allow commercial agricultural uses. However, only the SA zone is a state recognized EFU qualifying zone. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the text amendments will only involve lands that are designated inside the city limits and which are designated to allow for residential development, it will not affect either the EFU or the SA zoned lands or lawful uses occurring on those lands. Therefore, the proposed amendments will comply with the Farm Land Goal and with any implementing administrative rules.

**Goal 4 – Forest Land:** The intent of this goal is to protect lands that are designated for commercial forest uses. There are no zone districts that are specifically designated within the city limits that will allow for commercial forestry. Also, there are no commercial forest lands near, or adjacent to the city limits of Keizer. The amendments to the KDC do not involve any land which is designated as forest land, nor will it impact the use of any forest lands. The amendments will only involve lands that are designated inside the city limits and which are designated to allow for residential development, it will not affect lands which allow for commercial forestry or lawful uses occurring on those lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

**Goal 5 – Natural Resources:** The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city has a local wetland inventory to identify sites within the city limits where wetland soils may be present. The city has an adopted Willamette River Greenway Overlay zone aimed to protect the resources along the Willamette River. There are no identified big game habitats within the city limits of Keizer. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. In addition, the city has also been developing storm water regulations which will further protect water quality of the local water ways. The proposed amendments to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the proposed text amendments will be consistent with this goal and with administrative rules designed to implement this goal.

**Goal 6 – Air, Water and Land Quality:** The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in

Willamette River and other local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses in certain zones. However, air quality regulations are primarily enforced by the appropriate state agencies which govern air emission standards. The revision to the city's zone code regulations governing cottage cluster developments will require that any new dwelling units be constructed consistent with state building codes and they are connected to city water lines and municipal sanitary sewer lines. These requirements will result in a positive impact on the quality of air, water, or land resources and so will comply with this goal and with the administrative rules that implement this goal.

**Goal 7 – Natural Hazards:** The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. The revisions to the zone code for the proposed text amendments will neither impact this goal nor any administrative rules.

**Goal 8 – Recreation:** This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. This plan inventoried 92 acres of parks within the city and another 120 acres under the city's jurisdiction but which is outside the UGB. This is comprised of one large incorporated park (Keizer Rapids Park); one large 10.6 acre city park; 10 small city parks ranging in size from 1.3 acres to 5.9 acres; three water front parks ranging in size from

1.5 acres to 11.2 acres; one 15.4 acre special use park; two natural area parks ranging from 3.7 acres to 9.5 acres; and one 6.1 acre undeveloped park. The needs assessment determined that there are gaps in park level of service coverage and that the general west Keizer area is under served and that additional park land is needed. The adopted master plan contains a level of service of 5 acres per 1,000 residents. They recently adopted Housing Needs Analysis further refined this and determined that the city will need to provide an additional 43.5 acres to meet future park needs. The proposed amendments will not have any impact on the recreational activities or uses that occur on any park land within the city. While the text amendments will allow cottage cluster developments which will have some amount of open space as a component of development this is not intended to be construed as any sort of public recreation area and as such is not identified in the city's Parks Master Plan as being needed to serve the city's 20 year park needs. Therefore, the amendments will not impact either this goal or any administrative rules that implement it.

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The intent of this amendment is to expand Keizer's urban growth. The proposed amendment does not impact the ability of either the City of Keizer to seek any additional types of commercial development nor will it affect any established economic development strategies to encourage economic growth. The City of Keizer and Marion County, along with the cities of Salem and Turner, and Polk County developed a regional economic opportunities analysis which identified the economic potentials and constraints within the Salem – Keizer regional area. This will allow for better planning efforts to be made so as to enhance local economies.

The EOA documented the composition of employment by industry in Keizer exhibits several large deviations from the statewide composition. The deviations represent Keizer's competitive advantages in the economy, which fall largely in population-driven services. Industry classifications such as Retail Trade, Education & Health, and Food Service & Drinking Places have a high representation locally. These well-represented industries, in combination with economic development goals and input from the stakeholders, were used to devise potential future target industries. After discussing and ranking industries based on local aspirations and current representation of that industry in Keizer, the City Council determined that the following list of target industries are appropriate for Keizer to target:

- Medical facilities, including research, development and support
- Information technology/back office
- Educational services, including educational research and job training
- Professional services, including corporate headquarters
- Sporting events

Current employment levels by industry were projected forward based on regional job growth estimates and the above target industry goals. The growth

forecast calls for a total of 3,774 new jobs over the next 20 years, representing growth of 55% over current levels. The EOA estimated the need for 160 gross acres of land to accommodate the projected employment growth. An inventory of remaining buildable lands finds 123 acres of buildable land remaining within the city boundary, in the commercial and industrial categories. However, there is no land available that is well-suited for the institutional category, which includes hospitals, higher education facilities, and other uses that figure heavily into the City's economic development strategy. Finally, the EOA shows there is a net need for commercial and institutional lands amounting to 63.3 gross acres above and beyond what the City's remaining buildable employment lands can accommodate. The proposed text amendment will allow a certain type of residential development and does not involve any commercial or industrial uses and so will not have any adverse impact on the economic development activities or uses within the city. Therefore, the proposal is consistent with this goal.

**Goal 10 – Housing:** This goal requires the county to plan and provide for the housing needs of its residents. The City of Keizer with Marion County, Polk County, and the City of Salem has developed a regional housing needs analysis for the upcoming 20 year planning period. In a follow up to the regional study the city adopted its own local housing needs analysis as part of the city's periodic Review that was geared specifically to Keizer and identified the projected 20 year housing needs for the city. The HNA indicated that over the upcoming 20-year period, that there will be a growth in the number of non-group households by 4,366 households which will represent a population growth of 11,833 new residents. This is consistent with Keizer's adopted 2032 forecast. When the housing needs of the projected 2033 population is compared to the current housing supply, the analysis projects the need for 4,513 new units to house the future population.

The HNA documented that the largest share (50%) of one housing type is projected to be single-family detached homes, due to the stronger need for new ownership housing. The remainder of units is projected to be some form of attached housing (46%), or mobile homes (4%). 54% are projected to be ownership units, while 46% are projected to be rental units. The inventory of buildable residential lands finds a current supply of 315.2 acres which are vacant, partially vacant or re-developable. These acres can hold an estimated 2,422 units. The total 20-year unit need (4,513 units) minus this remaining buildable capacity (2,422 units), leaves a remainder of 2,090 units which must be accommodated beyond the City's remaining capacity within its current boundary. When this remaining land need is apportioned to Keizer's residential zones, the HNA estimates a 20-year need for 267 gross acres of residential land, to be accompanied by 43.5 acres of new land for parks to serve this new population, and 10 acres of land for new school facilities. This is a total of 385 gross acres.

The proposed amendments to allow for cottage cluster developments will positively impact this goal since it will allow for the opportunity for additional types of residences to be built within the city limits thereby increasing the overall inventory of housing stock.

**Goal 11- Public Facilities and Services:** The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, an established street system, administrative services, police services, and public safety services. Fire protection services are provided by the Keizer Fire District or Marion County Fire District #1. There is sufficient capacity in the municipal water delivery system and also within the sanitary sewer treatment system to accommodate planned growth within the upcoming 20 year planning period. The proposed text amendments regarding cottage cluster developments will not impact any of the city's public facilities and services and the amendments will comply with this goal and all administrative rules.

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit, bike, and pedestrian systems. It inventories existing systems and contains plans for improving these systems. Cottage cluster developments will result in small scale residential developments. As a requirement of development, frontage improvements will be required if it is determined that necessary improvements are lacking. The proposed text amendments regarding cottage cluster developments will have no adverse impact on the city's transportation systems and so will not affect this goal nor any implementing rules.

**Goal 13 – Energy Conservation:** This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will not impact this goal nor any of the implementing administrative rules.

**Goal 14 – Urbanization:** The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed text amendments to the city's regulations regarding cottage cluster developments will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along

the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions to the city's requirements to permit cottage cluster developments will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

**Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources)** govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revisions complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**
- a. It corrects identified error(s) in the previous plan.
  - b. It represents a logical implementation of the plan.
  - c. It is mandated by changes in federal, state, or local law.
  - d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

**FINDINGS:** The proposed amendment is intended to allow a new type of residential development. A cottage cluster development is defined as a flexible development alternative where many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features. The proposal will allow a cottage cluster development in the RM, RL, RH, and MU zones which will not create any new lots as a Special Permitted Use subject to meeting the standards in Section 2.432. Cottage cluster development proposals in the RM, RL, RH, and MU zones that will create new lots will be subject to the approval of a conditional use permit consistent with the review criteria in Section 3.103 and 2.432.08.

All cottage cluster development in the RS zone will be subject to obtaining the approval of a conditional use permit and meeting the criteria in Section 3.103 and 2.432.08. The creation of individual lots does not require the submittal of a concurrent subdivision (or partition) application as specified in Section 3.108 as the division of land as part of the cottage cluster development process is considered to be separate land use process. However, all applicable platting procedures must still be met.

While there are no Comprehensive Plan goals or policies that offer guidance, it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendments are not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revisions are desirable, appropriate, and proper. As such, the proposal complies with this criterion.

12-13 DRAFT  
Insert in Section 1.200

per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)

Corner Lot: See "Lot, Corner." (5/98)

Cottage Cluster Development: . A flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features. Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful design considerations.

Council: The City Council of Keizer, Oregon. (5/98)

Critical Feature [Flood]: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (5/98)

Cultural Resource Inventory [Historical]: Historical buildings or sites placed on the historical resource inventory. (5/98)

Day Care Facility: An establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians. (5/98)

Decision: The formal act by which the Community Development Director, Hearings Officer, Planning Commission or City Council makes its final disposition of a land use action. (5/98)

Demolish [Historical]: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic district. (5/98)

Density: The number of dwellings units per gross acre. (5/98)

Develop: To construct or alter a structure; or, to make alterations or improvements to land for the purpose of enhancing its value. (5/98)

Development: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (5/98)



## **2.102 SINGLE FAMILY RESIDENTIAL (RS)**

### **2.102.01 Purpose**

The purpose of the RS (Single Family Residential) zone is to allow development of single family homes on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (5/98)

### **2.102.02 Permitted Uses**

The following uses, when developed under the applicable development standards in this Ordinance, are permitted in the RS zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes.** (5/98)
- C. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home** for five or fewer children.(6/99)

### **2.102.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards in this Ordinance and special development requirements, are permitted in the RS zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities (Section 2.305).** (Ordinance No. is 2009-586, 5/09)
- F. The following special uses subject to the applicable standards in Section 2.400. (5/98)

## DRAFT 11-13

1. **Duplex** on a corner lot (Section 2.403). (5/98)
2. **Shared housing Facilities** (Section 2.403). (5/98)
3. **Zero side yard dwelling** units (Section 2.404). (5/98)
4. **Home occupations** (Section 2.407). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substation** (Section 2.426) (5/98)
11. **Wireless Telecommunication Facilities** (Section 2.427) (5/98)
12. **Manufactured home parks** (Section 2.405). (5/98)
13. **Public Water Supply** (Section 2.430) (06/10)

### **2.102.04 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit. Development of the site may also require compliance with development standards in Section 2.4. (5/98)

- A. **Elementary schools** (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreation facilities; and other public or semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Child daycare** services for 13 or more children. (5/98)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Use of a mobile home as a temporary hardship dwelling** (Section 2.406) (5/98)

## DRAFT 11-13

### G. **Child foster home** for six, seven or eight children, providing such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

### H. Transit Station (Section 2.429). ( 5/09)

### I. Cottage Cluster Development with or without the creation of any new lots (Section 2.432).

**2.102.05 Dimensional Standards**

The following dimensional standards shall be the minimum requirements for all development in the RS Zone except for modifications permitted under Section 2.202, General Exceptions or as required in Section 2.4. (5/98)

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential Uses	Non-Residential Uses
Lot Size	4000 square feet (1)	(2)
Average Width	40 feet	None
Average Depth	70 feet	None
Maximum Height	35 feet	(3)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (3) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Residential Uses	Non-Residential Uses
Front	10 feet	20 feet
Side	5 feet (1)	10 feet
Rear	(2)	20 feet
Street-side (3)	10 feet	20 feet
Garage Entrance (4)	20 feet	20 feet

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*

## DRAFT 11-13

- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

### **2.102.06 Development Standards**

All development in the RS Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
  1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)

## DRAFT 11-13

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)
- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per acre except in the RS zoned area north of Barnick Road where the maximum density shall be 6 units per acre with no minimum. (5/98)
- J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)

## **2.103 LIMITED DENSITY RESIDENTIAL (RL)**

### **2.103.01 Purpose**

The RL (LIMITED DENSITY RESIDENTIAL) zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. RL zones are located in areas designated Medium Density Residential, and, Medium and High Density Residential in the Comprehensive Plan and provided with urban services. RL zones will generally abut a collector or arterial street so that traffic is not required to travel through lower density residential neighborhoods. (01/02)

### **2.103.02 Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RL zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Buildings with two or more dwelling units.** (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children.(6/99)

### **2.103.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RL zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

## DRAFT 11-13

- E. The following special uses subject to the applicable standards in Section 2.4:
1. **Shared housing facilities** (Section 2.403). (5/98)
  2. **Zero side yard dwelling units** (Section 2.404). (5/98)
  3. **Home occupations** (Section 2.407). (5/98)
  4. **Residential sales offices** (Section 2.409). (5/98)
  5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
  6. **House of Worship** (Section 2.423). (5/98)
  7. **Boat and RV storage area** (Section 2.411). (5/98)
  8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
  9. **Recreational vehicle storage space** (Section 2.413). (5/98)
  10. **Electrical substations** (Section 2.426). (5/98)
  11. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
  12. **Manufactured home parks** (Section 2.405). (5/98)
  13. Cottage Cluster Development without the creation of any new lots (Section 2.432).

### **2.103.04 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Child day-care services** for 13 or more children. (5/98)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Rooming and boarding houses** (702). (5/98)



## DRAFT 11-13

### G. **Water supply (494).** (5/98)

### H. **Child foster home** for six, seven or eight children, providing such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes.(6/99)

### I. Cottage Cluster Development with the creation of new lots (Section 2.432).

## **2.103.05 Dimensional Standards**

### A. **Minimum Lot Dimension and Height Requirements**

DRAFT 11-13

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4000 sq. ft. (1)(2)	7000 sq. ft.	10000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (3) *Multi-family development must comply with the density standard in Section 2.103.06.1. (5/98)*
- (4) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (5) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non-Residential
Front	10 feet	10 feet	10 feet	20 feet
Side	5 feet (1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from*

*the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*

- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.103.06 Development Standards**

All development in the RL Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RL zone shall comply with the following standards: (5/98)
1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  2. Residential structures with four or more attached dwelling units, including Cottage Cluster Development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%(5/98)

## DRAFT 11-13

- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
  2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)

## **2.104 MEDIUM DENSITY RESIDENTIAL (RM)**

### **2.104.01 Purpose**

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas.  
(5/98)

### **2.104.02 Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RM zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Buildings with two or more dwelling** units. (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care service**, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)

### **2.104.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)

## DRAFT 11-13

- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. Transit Facilities (Section 2.305). (Ordinance No. is 2009-586, 5/09)
- F. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Shared housing facilities** (Section 2.403). (5/98)
  - 2. **Zero side yard dwelling units** (Section 2.404). (5/98)
  - 3. **Home occupations** (Section 2.407). (5/98)
  - 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
  - 5. **Residential sales offices** (Section 2.409). (5/98)
  - 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
  - 7. **House of Worship** (Section 2.423). (5/98)
  - 8. **Boat and RV storage area** (Section 2.411). (5/98)
  - 9. **Manufactured home parks** (Section 2.405). (5/98)
  - 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
  - 11. **Accessory commercial uses** (Section 2.416). (5/98)
  - 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
  - 13. **Electrical substation** (Section 2.426). (5/98)
  - 14. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
  - 15. Cottage Cluster Development without the creation of any new lot (Section 2.432)

### **2.104.04 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)

## DRAFT 11-13

- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Child day care** service for 13 or more children. (5/98)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, provided such home:
  - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
  - 2. Be located on a lot of no less than 16,000 square feet;
  - 3. The lot shall be located on an arterial or major collector street;
  - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
  - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
  - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
  - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
  - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

# DRAFT 11-13

- H. Transit Station (Section 2.429). (5/09)
- I. Residential Care Facilities for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431) (6/11)
- J. Cottage Cluster Development with the creation of new lots (Section 2.432).

## **2.104.05 Dimensional Standards**

### A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4,000 sq. ft. (1)(2)	6,000 sq. ft.	9,000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (3) *Multi-family development must comply with the density standard in Section 2.104.06.1. (5/98)*
- (4) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (5) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

### B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non- Residential
Front	10 feet	10 feet	10 feet	20 feet
Side	(1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet



Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)
---------------------	-------------	-------------	-------------	-------------

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

**2.104.06 Development Standards**

All development in the RM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
  1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  2. Residential structures with four or more attached dwelling units, including Cottage Cluster Development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)

## DRAFT 11-13

- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
  - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
  - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre. (5/98)

## **2.105 HIGH DENSITY RESIDENTIAL (RH)**

### **2.105.01 Purpose**

The RH (HIGH DENSITY RESIDENTIAL) zone is specifically intended for multiple family dwellings on a parcel at high residential densities. Other uses compatible with residential development are also appropriate. RH zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan and will generally have direct access to a collector or arterial street. RH zoned land is also suited to locations adjacent to commercial or industrial uses and is generally buffered from, or not located adjacent to, single-family residential areas. (5/98)

### **2.105.02 Permitted Uses**

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the RH zone:

- A. **Any combination of dwellings**, attached or detached. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Child day care service**, including family day care provider, for 12 or fewer children. (5/98)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home for five or fewer children**. (6/99)

### **2.105.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Zero side yard dwelling** units (Section 2.404). (5/98)
  - 2. **Home occupations** (Section 2.407). (5/98)
  - 3. **Bed and breakfast establishments** (Section 2.408). (5/98)

## DRAFT 11-13

4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **Boat and RV storage area** (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Accessory commercial uses** (Section 2.416). (5/98)
10. **Recreational vehicle storage space** (Section 2.413). (5/98)
11. **Electrical substation** (Section 2.426). (5/98)
12. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)
13. Cottage Cluster Development without the creation of any new lots (Section 2.432).

### **2.105.04 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Child day care service** for 13 or more children. (5/98)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, providing such home:
  1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
  2. Be located on a lot of no less than 16,000 square feet;

3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes.(6/99)

H. Cottage Cluster Development with the creation of new lots (Section 2.4320.

**2.105.05 Dimensional Standards**

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential	Non-Residential
Lot Size	6,000 sq. ft. (1)	(2)
Average Width	50 feet	None
Average Depth	80 feet	None
Maximum Height	(3)	(3)

# DRAFT 11-13

- (1) Multi-family development must comply with the density standard in Section 2.105.06.1. (06/07)
- (2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (3) No limit - Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)

## B. Minimum Yard Setback Requirements

SETBACKS	Residential	Non-Residential
Front	10 feet	20 feet
Side	10 feet	10 feet
Rear	(1)	20 feet
Street-side (2)	10 feet	20 feet
Garage entrance (3)	20 feet (3)	20 feet (3)

- (1) The rear yard setback shall be as follows: 14 feet for a story building, and 20 feet for a two story building. Setbacks are to be measured from the architectural rear of the building regardless of the building orientation to the property lines. (06/07)
- (2) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (3) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)

### **2.105.06 Development Standards**

All development in the RH Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)

## DRAFT 11-13

- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RH zone shall comply with the following standards: (5/98)
1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  2. Residential structures with four or more attached dwelling units, including cottage cluster development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75% (5/98)
- I. **Density:** The minimum development density shall be 16 units per acre; there shall be no maximum density. (5/98)

## **2.107 MIXED USE (MU)**

### **2.107.01 Purpose**

The Mixed Use (MU) zone promotes development that combines differing uses (permitted or special permitted) in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (4/08)

The Mixed Use zone is intended to include a variety of uses identified in this section in relative close proximity to each other as compared to a traditional zone district in which differing uses are segregated. Vertical mixed use is a building in which significant amounts of differing uses are located in the same building with different uses on different floors. While mixed use development is primarily intended to consist of retail or other businesses on the ground floor with housing or office uses on upper stories it is not required that every building within a mixed use area is developed with different uses within it. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (4/08)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

### **2.107.02 Permitted Uses**

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the MU zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Child day care service**, including family day care provider. (5/98)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)



## DRAFT 11-13

- F. **Public or private utility substation**, but excluding electrical substation. (5/98)
- G. **Landscape counseling and planning (078)**. (5/98)

### H. **Transportation, Utilities and Communication**. (5/98)

1. **Travel agency (4722)**. (5/98)
2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)
3. **Public utility** structures and buildings. (5/98)
4. **Transit Facilities (Section 2.305)**. (Ordinance No. is 2009-586, 5/09)

### I. **Retail Trade:**

Except as allowed under Section 2.107.05.B, the following retail uses shall be limited to buildings of 10,000 square feet or less:

- a. **General merchandise stores (53)**. (04/08)
- b. **Food stores (54)**. (04/08)
- c. **Apparel and accessory stores (56)**. (04/08)
- d. **Home furnishing, appliance and equipment stores (57)**. (04/08)
- e. **Eating and drinking places (58)**. (04/08)
- f. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (04/08)
- g. Uses listed in 2.107.02.I. a through f if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (04/08)

### J. **Business, Professional and Social Services:** The following business and professional and service oriented uses are allowed:

1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)
2. **Hotels, motels and lodging facilities (701)**. (5/98)
3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants,

except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial launders (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
  5. **Watch, clock and jewelry repair (763).** (5/98)
  6. **Recreational or athletic clubs.** (5/98)
  7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
  8. **Legal services (81).** (5/98)
  9. **Miscellaneous services (89).** (5/98)
  10. **Community or neighborhood clubs.** (5/98)
  11. **Parking lots.** (5/98)
  12. **Pet Grooming (6/01)**
- K. **Public administration (91 - 97).** (5/98)

### **2.107.03 Special Permitted Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the MU zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  1. **Shared housing facilities (Section 2.403).** (5/98)
  2. **Zero side yard dwelling units (Section 2.404).** (5/98)
  3. **Home occupations (Section 2.407).** (5/98)
  4. **Bed and breakfast establishments (Section 2.408).** (5/98)

5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. Cottage Cluster Development without the creation of any new lots (Section 2.432).

#### **2.107.04 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. **Transit Station** (Section 2.429). (Ordinance No. is 2009-586, 5/09)
- C. Cottage Cluster Development with the creation of new lots (Section 2.432).

#### **2.107.05 Use Restrictions**

- A. The following uses are not permitted: (04/08)
  1. **Farm Use**. (5/98)
  2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
  3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (04/08)
  4. **Camping or over-night in parking lots**. (04/08)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided

## DRAFT 11-13

herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (04/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (04/08)
2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (04/08)
3. In addition to the requirements in Section 2.315.08, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (04/08)
4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (04/08)
5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (04/08)
6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (04/08)
7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (04/08)

DRAFT 11-13

8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (04/08)
- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (04/08)
- D. Larger Format Stores.
1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (04/08)
  2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (04/08)
  3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (04/08)
- E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (06/10)
- F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (04/08)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (04/08)
1. Pedestrian Access, Safety and Comfort (04/08)

## DRAFT 11-13

- a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (04/08)
  - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (04/08)
  - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (04/08)
  - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (04/08)
  - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (04/08)
  - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
2. Vehicular Movement (04/08)
    - a. Encourage traffic to enter and exit the development at locations in a safe manner. (04/08)
3. Crime Prevention and Security (04/08)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (04/08)

    - a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (04/08)
    - b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (04/08)

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (04/08)
  - d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (04/08)
  - e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
4. Reduced Parking (04/08)
- Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (04/08)
5. Creating and Protecting Public Spaces (04/08)
- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (04/08)
  - b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (04/08)
6. Human Scaled Building Design (04/08)
- Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (04/08)
- The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

In addition, the provisions within Section 3.113.05 apply.

## **2.107.06 Dimensional Standards**

- A. Minimum Lot Dimension and Height Requirements

DRAFT 11-13

DIMENSION	Single Family	Duplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet(4)

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.107.07.1 (06/07)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)*
- (4) *Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (04/08)*



B. Minimum Yard Setback Requirements

SETBACKS (5)	Single Family or Duplex	Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet (1)	10 feet (1)	10 feet (1)
Side	5 feet (2)	10 feet	(4)	(4)
Rear	(3)	(3)	(4)	(4)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (6)	20 feet	20 feet	20 feet	20 feet

- (1) *For all MU zoned property fronting Cherry Avenue south of Manbrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)*
- (2) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (3) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines. (06/07)*
- (4) *The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)*
- (5) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (6) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

**2.107.07 Development Standards**

DRAFT 11-13

All development in the MU Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
  - 1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  - 2. Residential structures with four or more attached dwelling units' including Cottage Cluster Developments, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
  - 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	15%
Mixed commercial and residential development:	20%
Residential development:	25%
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%
Mixed commercial and residential development:	80%

Residential development:

75%

I. **Density:**

1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (05/98)

[NEW SECTION]

**2.432 COTTAGE CLUSTER DEVELOPMENT**

**2.432.01 Purpose and Design Principles**

This Section establishes standards for cottage cluster development as an alternative development type that provides usable common open space in residential development; allows for a variety of housing types both detached as well as attached; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods; and provide opportunities for creative infill development. It is intended to be a flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features. Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful consideration of the following design principles:

- A. **Shared Open Space and Active Commons.** The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity.
- B. **Common Buildings.** An advantage of living in a cottage development is being able to have shared buildings such as a tool shed, outdoor barbeque, or picnic shelter or a multipurpose room.
- C. **Adequate Parking that does not dominate.** Parking areas should be screened from adjacent parcels and adjoining public streets. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.
- D. **Front Porches.** The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space are important to creating strong community connections.
- E. **Smaller, High-Quality, Well-Designed Dwellings.** Smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood.

**2.432.02 Permitted building types within cottage cluster developments**

- A. Cottage cluster development cottages (Section 2.432.04.A).
- B. Two-unit structures (Section 2.432.04.B).

## Recommendation to City Council 2-14

- C. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use (Section 2.432.04.C).
- D. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.D).
- E. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking and storage buildings. However, they shall not be permitted within common area.

### **2.432.03 Site requirements**

- A. Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
- B. Development Standards
  - 1. Parent parcel. The parent parcel, which shall encompass the entire cottage cluster development, shall be at least 30,000 square feet. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations.
  - 2. Cottage lots. There is no minimum lot size for the individual cottage lots.
  - 3. Density. The standards from the base zone shall apply.
  - 4. Average Minimum Lot Width and Depth. There is no minimum lot width or depth for the individual cottage lots.
  - 5. Maximum Lot Coverage. There is no maximum lot coverage for the individual cottage lots.
  - 6. Maximum Height. Twenty-five (25) feet.
  - 7. Minimum Setbacks

## Recommendation to City Council 2-14

Table 2.432-1

SETBACKS	
Front	15 feet
Side*	5 feet
Rear	10 feet
Street-side	10 feet
Garage entrance	20 feet

\*Interior units on a common lot or separate lots shall be spaced at least 10 feet apart. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy.

8. Minimum Landscape Requirement. The standards from the base zone shall apply.

### C. Lot/cottage arrangement

1. Cottage cluster developments shall contain a minimum of four cottages and no more than allowed in the underlying zone by density.
2. Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.
3. Units along the public right-of-way should have their primary entrance facing the public right-of-way.
4. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development.

### D. Private and common space.

#### 1. Common Space.

- a Common space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of common open space per unit shall be provided.
- b The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area.

#### 2. Private Space.

## Recommendation to City Council 2-14

- a A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.

### E. Frontage, access, parking, and vehicular circulation.

1. Frontage. The parent parcel shall have frontage on a public street.
2. If individual lots are created within the development, each lot shall abut a common area, but is not required to have public street frontage.
3. Access. Access to individual dwelling units will be provided meeting city and fire district standards.
4. Parking. A minimum of two off street parking spaces per unit shall be provided.
5. Parking and/or garage structures shall be located behind or to the side of the residential area and open space.
6. Parking areas, shared parking structures, and garages shall be screened from public streets by landscaping or architectural screening.
7. If the property has frontage on a public alley, access and parking may be provided from the alley.
8. If individual lots are created, parking and access shall be provided in a common area with access easement.

### F. Screening and Landscaping.

To ensure that cottage developments do not create adverse visual impacts for residents of both the cottage development and adjacent properties the following requirements shall be adhered to:

1. Where feasible, cottage developments should be designed to retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard.
2. Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.
3. Landscaping Plan to be submitted and approved. Boundaries between cottage developments and neighboring properties shall be screened with landscaping and fencing as identified in 2.432.03.G.2 in order to reduce the appearance of bulk or intrusion onto adjacent properties or may be otherwise treated through increased building setbacks or architectural techniques to meet the intent of this section.

Additional screening and buffering may be required to help mitigate any compatibility issues between the cottage cluster development and adjacent properties.

## Recommendation to City Council 2-14

### G. Fences.

1. No fence taller than 3 feet in height shall be located between the front wall of a cottage or community building and the common open space.
2. A 6 foot high sight obscuring fence shall be placed along the property line adjacent to any residential single family use.

### H. Utilities.

1. Streets. Street improvements shall be required for all cottage cluster developments that contain 4 or more dwelling units. Street improvements may include street widening, curb, gutters, and sidewalks. All street improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works.
2. Water. An individual water meter servicing each dwelling unit will be required unless there is an ownership association or the property is under a single ownership in which case a single water meter servicing an individual building of multiple units is allowed. All water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works.
3. Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots. All sanitary sewer design and construction shall comply with the standards of the City of Salem.
4. Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or extended in a utility easement to individual lots.
5. Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation. In addition, a trash and recycling plan will be required
6. Mailboxes. Mailboxes are subject to post office requirements.
7. Storm water. The development of the property shall comply with all city regulations regarding storm water drainage including on-site detention and water quality requirements. All storm water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works.



## Recommendation to City Council 2-14

- I. Addressing. All units within the cottage cluster development shall be addressed consistent with city standards.

### **2.432.04 Building Requirements**

#### A. Cottages.

1. Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. An attached one-car garage is not included in this maximum, but shall not exceed 300 square feet per unit.
2. Porches. Attached, covered porches are required and shall have minimum depth of 6 feet and shall be a significant feature of the structure.
3. Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. Cottage development structures shall provide for substantial exterior architectural elements that are consistent with traditional northwest cottage design and small home craftsmanship design elements. Roofs of cottage developments shall have eaves to efficiently shed rain and provide protection for exterior walls.
4. Height. Cottages shall comply with the height limitation of 25 feet and are limited to a maximum of single story plus a loft.
5. Street facing facades. The street facing facades of cottages in a cottage development shall avoid blank walls that appear to "turn their backs" to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or other design features.

#### B. Two-Unit Structures in RS zone.

1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages.
2. Attached two-unit structures shall have one primary shared entry facing the common open space.

#### C. More than two-units structures in other zones

1. Attached two-unit structures are allowed and must be similar in appearance to detached cottages.
2. Attached structures with more than two units shall have one primary shared entry facing the common open space

## Recommendation to City Council 2-14

### D. Community Buildings.

1. Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community.
2. A community building shall be of similar scale, design, and height as the cottages.
3. Commercial uses are prohibited in the community building.

### E. Accessory Structures.

1. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 300 square feet per unit, or 600 square feet per accessory structure that is shared by two or more dwelling units.
2. The design of accessory structures must be similar or compatible with that of the cottages in the development.

### F. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.

### G. Renovation and Expansion.

1. Renovations shall be in keeping with the size and architectural character of the new development.
2. A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this Section shall be recorded against the property.

## **2.432.05 Submittal Requirements**

- A. **Application Process.** Applications for all cottage cluster development, with or without the creation of any lots shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section.
- B. **Submittal Material.** The following submittal requirements shall apply to all applications for a cottage cluster development.

## Recommendation to City Council 2-14

1. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.
2. Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following:
  - a. Appropriate identification stating the drawing is a preliminary plan.
  - b. North point, scale and date.
  - c. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)
  - d. Assessor Map and tax lot number of subject property.
  - e. The property lines and approximate area of the subject property.
  - f. Dimensions and size in square feet or acres of all proposed parcels.
  - g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.
  - h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application;
  - i. Name of the proposed cottage cluster development.
  - j. Date the drawing was produced.
  - k. Vicinity sketch showing location of the proposed land division.
  - l. Identification of each lot or parcel and block by number.
  - m. Gross acreage of property being subdivided or partitioned.

## Recommendation to City Council 2-14

- n. Direction of drainage and approximate grade of abutting streets.
  - o. Streets proposed and their names, approximate grade, and radius of curves.
  - p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street.
  - q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information.
  - r. All areas to be offered for public dedication.
  - s. Elevations of buildings showing materials, colors and design of buildings to be constructed and how they will be compatible with adjacent residences.
- C. Supplemental Information. The following supplemental information shall be required for all applications:
- 1. Calculations justifying the proposed density of development.
  - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations.
  - 3. The approximate location and dimensions of all structures proposed to be located on the site.
  - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and the proposed timing for such improvements.
  - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.
  - 6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code.

## Recommendation to City Council 2-14

### **2.432.06 Review Procedures**

- A. Cottage cluster development in RM, RL, RH, and MU zones without creating any new lots is subject to meeting the standards in Section 2.432. Cottage cluster development proposals in the RM, RL, RH, and MU zones that propose to create new lots is subject to the approval of a conditional use permit as a Type II-B review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures.
- B. Cottage cluster development proposals in the RS zone is subject to the approval of a conditional use permit as a Type II-B review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures.
- C. The creation of individual lots does not require the submittal of a concurrent subdivision (or partition) application as specified in Section 3.108 as the division of land as part of the cottage cluster development process is considered to be a separate land use process but must still comply with all applicable platting procedures.
- D. All cottage cluster development proposals in RM, RL, RH, and MU zones not dividing land shall be consistent with the Special Use requirements outlined in this Section.
- E. All cottage cluster developments which seek to create lots in any zone which a cottage cluster development is permitted, or a cottage cluster development proposal in an RS zone (with or without the creation of any lots) shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.202.04.
- F. Time Limit. Approvals of any preliminary plans for a cottage cluster development shall be valid for one year after the date of the written decision. A Final Plat shall be recorded within this time period or the approvals shall lapse.
- G. Time Extension. The City staff may extend the approval period for a cottage cluster development for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing at least thirty days prior to the expiration date of the approval period.
- H. Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

## Recommendation to City Council 2-14

**2.432.07 Approval criteria** – In addition to the criteria within Section 3.103.03 cottage cluster developments with the creation of lots in the RM, RL, RH, or MU zone, or for a proposal in an RS zone regardless if any lots are created the following criteria apply:

- A. The application complies, or can be made to comply with all applicable standards for cottage cluster development. The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property.
- F. Whether or not lots are created as part of the cottage cluster development, all provisions of the KDC pertaining to frontage improvements along any public street frontage shall apply. Improvements within the cottage development shall be as specified in this Section.
- G. The proposal complies with the density provisions of the underlying zone.
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.
- E. Each parcel shall comply with the applicable requirements, depending on the appropriate land use category in Table 2.301.03, within Sections 2.301 (General Provisions) ; 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); 2.309 (Site and Landscaping Design); and, 2.316 (Infill Development).
- F. Adequate public facilities shall be available to serve the existing and newly created parcels.

**2.432.08 Improvement Requirements** – All improvements required as part of a cottage cluster development application shall be done in accordance with the relevant sections of the Keizer Development Code.

### **2.432.09 Process for Final Plat Approval**

- A. Survey. Within 1 year of the final decision approving a plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. A one-time one year extension may be granted by the Community Development Director

## Recommendation to City Council 2-14

provided that no code revisions have been adopted by City Council that might otherwise affect the partition as proposed. Applicant shall submit written extension request at least thirty days prior to expiration of decision.

- B. Final Approval. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat.
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B.
- E. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney.
  - 1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat.
  - 2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes.
  - 3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review.
  - 4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat.
- F. Names. All plat names shall conform to ORS 92.090.
- G. Filing Final Plat. The final plat shall be filed with the Marion County Clerk's Office.

### **3.101 SUMMARY OF APPLICATION TYPES**

There are four types of development permits and land use actions, each with its own procedures as found in Chapter 3.2. (5/98)

#### **3.101.01 Type I Action - Summary**

Type I actions are administrative reviews processed by the City staff according to the procedures found in Section 3.202.01, 02 & 03. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into four parts: (3/10)

A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. Conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer. The following actions are processed under the Type I-A procedure: (2/01)

1. Signs (excluding variances or conditional uses) (5/98)
2. Temporary Use Permit (3/10)

B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)

1. Variance (Minor and Sign) (Ord 2005-533 11/2005)
2. Lot Line Adjustment (5/98)
3. Conditional Use (except Transit Station) (05/09)
4. Partitions (5/98)
5. Greenway Development Permit (2/01)
6. Floodplain Development Permit (including Floodplain Development Permit Variance) (3/10)

C. Type I-C: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant. Appeal is to the Planning Commission. Notice is sent to property owners within



## DRAFT 11-13

the required notice area for public hearing. The Zoning Administrator may refer any application to the Planning Commission or the City Council for public hearing and decision. The following action is processed under the Type I-C procedure:

1. Development Review (2/01)

- D. Type I-D: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The Zoning Administrator may refer any application to the Planning Commission or City Council for public hearing and decision. The following actions are processed under the Type I-D procedure: (07/07/03)

1. Variance (Major) (07/07/03)

### **3.101.02 Type II Actions - Summary**

- A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)

1. Subdivision (5/98)
2. Planned Unit Development (5/98)
3. Manufactured Home Parks (5/98)

- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (2/03)

1. Transit Station (5/09)

## DRAFT 11-13

C. Type II-B: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (06/11)

1. Nursing and Residential Care Facilities (06/11)
2. Cottage Cluster Developments with the creation of lots
3. Cottage Cluster Developments with or without the creation of lots in an RS zone.

### **3.101.03 Type III Actions - Summary**

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.04. Staff and the Hearings Officer have advisory roles for Comprehensive Plan Map Amendments and Zone Changes. Staff and Planning Commission have advisory roles for Annexations. Public notice is provided and public hearings are held before the Hearings Officer, Planning Commission and City Council as determined by the application. Section 3.204 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure: (2/01)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)
- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)
- D. Keizer Station Master Plans which may include Subdivision and Partitioning (4/10)

### **3.101.04 Type IV Actions - Summary**

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. A Type IV action follows the procedures found in Section 3.203. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are

# DRAFT 11-13

provided in a Type IV process. The following actions are processed under a Type IV procedure: (2/01)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)
- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

## LAND USE APPLICATION PROCESS (4/10)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances) (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (05/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Lot Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

DRAFT 11-13

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Transit Station (05/09)	II-B	Recommendation to City Council			Final Decision
Nursing and Residential Care Facilities (06/11)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
<u>Cottage Cluster Development as a conditional use</u>	<u>II-B</u>	<u>Recommendation to Planning Commission</u>		<u>Final Decision</u>	<u>Appeal of Plan Comm Decision</u>
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision

DRAFT 11-13

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Review	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

### **3.202 GENERAL PROCEDURES – TYPES I, II, AND III ACTIONS**

#### **3.202.01 Procedure for Type I-A Review**

*(Type 1-A: Temporary Use Permit, Signs excluding variances or conditional uses) (3/10)*

Applications subject to a Type I-A administrative review shall be reviewed and decided by the Zoning Administrator. *(5/98)*

- A. **Initial Review.** Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness. *(5/98)*
1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. *(5/98)*
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. *(5/98)*
- B. **Complete Application.** The application shall be deemed complete for the purposes of processing the application and all related timing provisions either: *(5/98)*
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; *(5/98)*
  2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. *(5/98)*
- C. **Staff Review.** Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; *(5/98)*
- D. **Conditions.** Approvals of a Type I-A action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: *(2/01)*
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: *(2/01)*

## DRAFT 11-13

- a. Ensure that the standards of the development code are met; or, (2/01)
  - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- F. Appeals. A Type I-A land use decision may be appealed by the applicant to the Hearings Officer, except that Site plan Reviews shall be appealed to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

### **3.202.02 Procedure for Type I-B and I-D Review**

*(Type I-B: Minor Variance, Lot Line Adjustment, Conditional Use, Partition, Greenway Development Permit, Floodplain Development Permit, including Floodplain Development Permit Variances) (Type I-D Major Variance) (3/10)*

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (07/07/03)
1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)

## DRAFT 11-13

2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, and applicable city, county, and state agencies at the Director's option. Referrals will be sent to affected neighborhood associations. (5/98)
- D. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the initial decision. (07/07/03)
- E. Conditions. Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (07/03)
  1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
    - a. Ensure that the standards of the development code are met; or, (2/01)
    - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
  2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
  3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)
- F. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- G. Appeals. A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (07/07/03)

The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)



## DRAFT 11-13

- H. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)

### **3.202.03 Procedure for Type I-C Review**

- A. Initial Review. Upon receipt of an application for a Type I-C land use action, the City staff shall review the application for completeness. (2/01)
1. Incomplete applications shall not be scheduled for Type I-C review until all required information has been submitted by the applicant. (2/01)
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (2/01)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: processing the application and all related timing provisions either: (2/01)
1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (2/01)
  2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (2/01)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (2/01)
- D. Conditions. Approvals of a Type I-C action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
    - a. Ensure that the standards of the development code are met; or, (2/01)

## DRAFT 11-13

- b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
- 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (2/01)
- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

### **3.202.04 Procedures for Type II and Type III Actions**

*(Type II. Subdivision, Planned Unit Development and Manufactured Home Parks). (04/10)*

*(Type II-B. Conditional Use for Nursing and Residential Care Facilities - Planning Commission decision) (06/11)*

*(Type II-B. Transit Station – City Council decision) (06/11)*

*(Type II-B. Cottage Cluster Development with or without creating new lots in the RS zone – Planning Commission decision)*

*(Type II-B. Cottage Cluster Development creating new lots in the RM; RL; RH; and MU zones – Planning Commission decision)*

*(Type III. Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships, and Keizer Station Master Plan Review which may include Subdivision and Partitioning) (4/10)*

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
  - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)

## DRAFT 11-13

1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (07/09)
- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)
- F. Notice of Application. Notice of a subdivision application shall be mailed to owners of property within 250 feet of the site and neighborhood association representatives. The notice to owners and neighborhood association members will invite the submittal of written comments on the proposal to the City within 10 days. (01/02)
- G. Hearings Procedures. The public hearing shall comply with the provisions in Section 3.205 or Section 3.206. (06/11)
- H. Conditions. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (5/98)
1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (5/98)
    - a. Protection of the public from the potentially deleterious effects of the proposed use; or, (5/98)

## DRAFT 11-13

- b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
  2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
  3. Performance bonding for applicable conditions shall comply with the provisions in Section 3.202.05B. (2/01)
- I. Notice. The applicant shall be notified, in writing, of the decision or recommendation. In addition, notice of the decision shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing. (06/11)
- J. Appeals. With the exception of a conditional use for a Transit Station, which is a final decision by the City Council, a Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (06/11)
- K. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (2/01)

### **3.202.05 Special Procedural Requirements**

#### A. 120 Day Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (5/98)

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period. (5/98)
2. Public notice shall be mailed to affected parties as specified in Section 3.204.02. (5/98)
3. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period.

Such action shall be the final action by the City on the application.  
(5/98)

B. Performance and Maintenance Bonding (2/01)

Conditions of approval required by the City shall be completed prior to the issuance of any building permit within a residential subdivision or partitioning, or an occupancy permit for any other use. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. (2/01)

1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check, time certificate of deposit, or other form acceptable to the City. The City Attorney must approve the form and appropriate documents filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)
2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one year warranty. (2/01)